

REMARKS

No claims are amended, claims 246-258 are cancelled, and no new claims are added. Claims 1-9 are pending in this application.

Election/Restriction

Applicant elects, without traverse, Group I (claims 1-9). Applicant respectfully cancels claims 246-258 (Group II) without prejudice or disclaimer, and reserves the right to reintroduce the non-elected claims in a Divisional application at a later date. It will be noted that several divisional reissue applications are currently pending before the USPTO.

Examiner Interview

Applicant thanks the Examiner for granting a telephone interview conducted on February 18, 2009. In the course of the interview it was discussed that MPEP § 1450 provides for a situation where the reissue application containing only original unamended claims becomes allowable first (and no "error" under 35 U.S.C. § 251 therefore remains). MPEP § 1450 prescribes in this situation that further action in that reissue application will be suspended to await examination in the divisional reissue application(s) containing the added claims. Once a divisional reissue application containing the added claims is examined and becomes allowable, the examiner will issue a requirement under 37 CFR 1.177(c) for applicant to merge the claims of the suspended first reissue application with the allowable claims of the divisional reissue application into a single application, by placing all of the claims in one of the applications and expressly abandoning the other.

As stated above, several divisional reissue applications are currently pending before the USPTO, and therefore Applicants expect to merge the elected claims with one of the pending divisional reissue applications once the elected claims are allowed.

RESPONSE TO RESTRICTION REQUIREMENT

Serial Number: 09/903,458

Filing Date: July 10, 2001

Title: APPARATUS FOR TRANSMITTING AND RECEIVING EXECUTABLE APPLICATIONS AS FOR A MULTIMEDIA SYSTEM, AND
METHOD AND SYSTEM TO ORDER AN ITEM USING A DISTRIBUTED COMPUTING SYSTEM

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Dkt: 2050.001US4

The Examiner is invited to telephone Applicant's attorney at 408-278-4052 to facilitate prosecution of this application. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date February 24, 2009 By /Elena Dreszer/
Elena B Dreszer
Reg. No. 55,128

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 24th day of February 2009.

John D. Gustav-Wrathall
Name Paralegal
Schwegman, Lundberg & Woessner

Signature

